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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,248	12/17/2001	James B. Nichols	50588/363	7448

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EXAMINER
ORTIZ CRIADO, JORGE L

ART UNIT	PAPER NUMBER
2656	

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/025,248	NICHOLS ET AL.
	Examiner	Art Unit	
	Jorge L. Ortiz-Criado	2655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>01 September 2005</u>.

2a)☒ This action is **FINAL.** 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1,3-6 and 35-44</u> is/are pending in the application.

    4a) Of the above claim(s) <u>1,3-6 and 35-44</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1, 3, 4-6 and 35-44</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 3, 4-6 and 35-44 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 1, 35 and 40, recites the limitation "without reference to track length", but the examiner cannot readily ascertain/map with the above claim language, where in the specification as originally filed such a disclosure/support is found in the descriptive portion of the specification by reference to the drawings, designating the part or parts therein to which the term "hashing" applies. It is not clear how the claim language of offsets relates to "any track length" or any <u>reference</u> step described in the specification. Hence the limitation is new matter.

For examination purposes the term is interpreted in light of the supporting disclosure the given <u>the broadest reasonable</u> interpretation consistent with the specification. See In re Morris, 127 F.3d 1048, 44 USPQ2d 1023 (Fed. Cir. 1997, as being referenced/related to "a measurement

in increments of a second, which in page 8, lines 13-20, indicates that set of_offsets indicates the

start point for each track on the CD (e.g. measured in increments of 1/75th of a second)

<p style="text-align:center;">***Claim Rejections - 35 USC § 102***</p>

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1, 6, 35, 39, 40 and 44 are rejected under 35 U.S.C. 102(e) as being anticipated by

Jones et al. U.S. patent No. 6,304,523.

Regarding claim 1, Jones et al. discloses a method comprising:

reading one or more track offsets from a disk; "hashing" said offsets into an identification

code; and performing a database lookup using said identification code to identify disk-related

information associated with said disk in said database (see col. 5, lines 25-66)

Regarding claim 6, Jones et al. discloses wherein said "disk-related information"/

information associated with said disk comprises disk titles and disk tracks titles (See Fig. 5)

Regarding claims 35, 39; 40 and 44, apparatus and computer-readable medium claims 35,

39; 40 and 44 are drawn to the apparatus and medium for performing the corresponding method

claimed in claims 1 and 6. Therefore apparatus and computer-readable medium claims 35, 39; 40

and 44 correspond to the method claims 1 and 6 and are rejected for the same reasons of

anticipation as used above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.   Claims 3-4, 36-37 and 41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Jones et al. U.S. Patent No. 6,304,523 in view of Commons et al. US Pub. No.

2002/0069195.

Regarding claim 3, Jones et al. discloses all the limitations of claim 1 as outlined above

and further Jones et al. discloses executing <u>an **algorithm**</u> to generate the identification code. But

does not <u>expressly</u> disclose a <u>"hash algorithm"</u>.

However, this feature is well known in the art and is evidenced by Commons et al., which

discloses a method including reading data from a disk, encoding said data into an identification

code and performing a database lookup using said identification code wherein the encoding

comprises executing a hash algorithm to generate said identification code (see paragraphs [0039-

[0042]; [0058])

It would have been obvious to one with an ordinary skill in the art at the time of the

invention to generate the identification code using a 'hash algorithm" in order to obtain unique

identifiers codes which represents the data read from the disks and uniquely the identification of

the disks in the database.

Regarding claim 4, Jones et al. in combination with Commons et al, shows wherein said

hash algorithm is an Message Digest Algorithm MD5 hash algorithm (see Commons paragraphs

[0058])

Note: Furthermore Message Digest 5 (MD5) hash algorithm is well known in the art and

applicant is admitting the same as recited below:

As in page 9, line 21 to page 10 line 9 " *the hash function applied is an Message Digest*

5("MD5") hash. MD5 is a popular one-way hash function used to create message digest for

digital signatures...In one specific implementation, the MD5 hash is rendered in a 128-bit,

Base64 format. Base-64 is an encoding method that converts binary data into ASCII text (and

vice versa)... "

Assuming arguendo that the above is not applicant's admission of prior art, the features

are taught by the Commons et al reference as used above.

Regarding claims 36-37 and 41-42, apparatus and computer-readable medium claims 36-37 and 41-42 are drawn to the apparatus and medium for performing the corresponding method claimed in claims 3-4. Therefore apparatus and computer-readable medium claims 36-37 and 41-42 correspond to the method claims 3-4 and are rejected for the same reasons of obviousness as used above.

4. Claims 5, 38 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al. U.S. Patent No. 6,304,523 in combination with Commons et al. US Pub. No. 2002/0069195 and further in view of Gibbs et al. U.S. Patent No. 6,085,321.

Regarding claim 5, the combination of Jones et al. with Commons et al. shows all the limitations of base claim 4 as outlined above, Commons teaches using an MD5 hash algorithm to create the identification codes, but does not expressly disclose rendering in a Base-64 format.

However, this feature is well known in the art and is evidenced by Gibbs et al., which discloses a method of generating identification codes encoding data executing a hash algorithm wherein the hash algorithm is an MD5 hash algorithm and further rendered in a Base-64 format (see col. 3, lines 1-39)

It would have been obvious to one with an ordinary skill in the art at the time of the invention to render the MD5 hash algorithm in a Base-64 format in order to employ the MD5 hash algorithm obtaining uniqueness of the identification codes into the database lookup.

Note: Note: Furthermore *Base-64* is well known in the art and applicant is admitting the same as recited below:

As in page 9, line 21 to page 10 line 9 " *the hash function applied is an Message Digest*

5("MD5") hash. <u>MD5 is a popular</u> one-way hash function used to create message digest for

digital signatures...In one specific implementation, <u>the MD5 hash</u> is rendered in a 128-bit,

Base64 format. <u>Base-64 is an encoding method</u> that converts binary data into ASCII text (and

vice versa)... "

Assuming arguendo that the above is not applicant's admission of prior art, the features

are taught by the Gibbs et al. reference as used above.

Regarding claims 38 and 43, apparatus and computer-readable medium claims 38 and 43

are drawn to the apparatus and medium for performing the corresponding method claimed in

claim 5. Therefore apparatus and computer-readable medium claims 38 and 43correspond to the

method claim 5 and are rejected for the same reasons of obviousness as used above.

Response to Arguments

Applicant's arguments filed 09/01/2005 have been fully considered but they are not

persuasive.

Applicants argues that Jones et al. does not teach or suggest "hashing" the offsets into an

identification code "without reference to track length".

The Examiner cannot concur with Applicants because Jones et al. discloses generating

the disc ID by calculating the offset from the starting/beginning of the tracks measured in

increments of $1/75^{th}$ of a second. For example, Jones obtains the first offsets which is obtained

from the beginning of the CD to the starting/beginning of the second track measured in seconds

1240 and in the same way for the rest of the tracks offsets 1452.1654 etc. and by performing the

algorithm obtaining the code number 66 or 42 hex. Hence, the Jones reference teaches and

discloses the "hashing of the tracks offsets into an identification code "without reference track

length", as claimed.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jorge L. Ortiz-Criado whose telephone number is (571) 272-

7624. The examiner can normally be reached on Mon.-Thu.(8:30 am - 6:00 pm),Alternate

Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Hoa Thi Nguyen can be reached on (571) 272-7579. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

joc

W. R. YOUNG
PRIMARY EXAMINER

for H. Nguyen
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